

Weinberger Warning on Walker Plea Agreement

By PHILIP SHENON

Special to The New York Times

WASHINGTON, Sept. 15 — Secretary of Defense Caspar W. Weinberger suggested today that the Government might break its plea bargain with John A. Walker Jr. because of indications that the Navy veteran was lying about his Soviet spy ring.

"If John Walker shows deception in all of his disclosures that he has agreed to make that would end the transaction," Mr. Weinberger said in an interview with news agencies.

His comments came a week after the Justice Department said polygraph, or lie detector, tests indicated Mr. Walker might be lying about the size and origin of the Navy spy ring. It has been described by the Government as one of the most damaging espionage operations in American history.

The Justice Department, which will decide whether to honor the plea bargain, said today that prosecutors currently had no intention of breaking it, although officials said they might reconsider if additional evidence became available.

Agreed to Be Truthful

Mr. Weinberger noted that the terms of the agreement required John Walker to be truthful in his interrogations with prosecutors.

"If he violates that at any time, why that agreement is off and we're back to the fullest possible punishment that can be administered," Mr. Weinberger said. "There have been some indications that he has been less than forthcoming on some things that we believe he promised to be forthcoming on."

Justice Department officials warned that they had insufficient evidence to void the agreement, noting that the polygraph results would not provide adequate grounds for asking a Federal judge to reverse a plea bargain.

In exchange for guilty pleas, the agreement called for Mr. Walker to be sentenced to life in prison, while his son Michael, a former Navy seaman, would receive a sentence of 25 years. The agreement might hasten parole, allowing the Walkers to be freed from prison years earlier.

But Reagan Administration officials

said today that the Pentagon might attempt to block the Justice Department if prosecutors tried to go forward with the plea bargain despite the indications that Mr. Walker was lying. It was left unclear how the Pentagon would do this.

Under the plea agreement, John and Michael Walker agreed to submit to periodic polygraph examinations to determine their truthfulness.

Plea Bargain Was Opposed

Some Defense Department officials, including the Secretary of Navy, John F. Lehman Jr., initially opposed the plea bargain, saying it was too lenient. The Walkers' espionage operation provided the Soviet Union with years of top secret information about Navy communications.

Under the plea bargain, the Walkers agreed to testify against another Navy veteran who was convicted in the case, Jerry A. Whitworth.

A Justice Department official said that, according to polygraph findings, Mr. Walker had been truthful on a number of topics, including the espionage activities of Mr. Whitworth, a retired Navy communications officer.

According to Federal officials, the Justice Department would be hesitant to break the plea agreement with the Walkers because it might jeopardize the conviction of Mr. Whitworth. John Walker was a key prosecution witness at Mr. Whitworth's trial this summer. Mr. Whitworth was sentenced last month to 365 years in prison and would have to serve a minimum of 69 years before becoming eligible for parole.

However, Justice Department officials have said that, based on the polygraph results, they are concerned that John Walker lied when he claimed that his brother, Arthur Walker, a retired Navy lieutenant commander, did not begin spying until after his retirement in 1973.

Teacher of Submarine Tactics

In his 20-year Navy career, Arthur Walker had access to secrets about the capabilities of the American submarine fleet and at one time taught submarine warfare tactics at a Navy training school. He was convicted last year and sentenced to life in prison.

Prosecutors, the officials said, are also concerned that the spy ring was larger than John Walker has indicated.

Mr. Walker's possible motives for lying remained unclear.

Arthur Walker was convicted of stealing two sets of classified documents from the VSE Corporation, a Virginia military contractor where he worked as an engineer after retirement from the military.

At his sentencing last November, prosecutors disclosed that evidence gathered by the Government showed that he might have started spying while still in the military. Officials would not discuss the evidence at the time.

Referring to statements last week that they planned to honor the plea bargain, Justice Department officials said today they would change their minds only if they could obtain other evidence that John Walker was lying.

"At the present time, we have no intention of backing out of it," a Justice Department official said of the plea bargain. "That by no means rules out our changing our minds."

Another department official, John Russell, said lawyers for Secretary Weinberger had been kept fully informed about the case. Mr. Russell would not comment when asked if there were disagreements between Justice Department and Navy officials.